

INTERSTATE TRS ADVISORY COUNCIL
DRAFT MEETING MINUTES FOR SEPTEMBER 21, 2014
PORTLAND, MAINE

ATTENDEES

Council Members

Mark Tauscher, Chair, TRS Providers

Ron Bibler, Vice Chair, TRS Users

Celia Nogales, Secretary, Interstate Telecommunications Providers/Contributors

Jack Cassell, State Relay Administration

Brenda Kelly-Frey, State Relay Administration

Andrew Phillips, TRS Users

Phillip Hupf, Interstate Telecommunications Providers/Contributors

Amy Ignatius, State Representative

Tim Schram, State Representative

Jeff Rosen, TRS Providers

Sonny Sonnenstrahl, Deaf Community

Sherri Collins, Deaf and Hard of Hearing Community

BJ Gallagher, Hearing/Speech Disability Community (via phone)

RLSA

Dave Rolka

FCC

Greg Hlibok

CONVENE

Chairman Tauscher greeted audience and called to order the Fall meeting of the TRS Advisory Council at 9:05 a.m. He asked for members to introduce themselves.

APRIL 15, 2014 MINUTES

The Chair asked if anyone had changes to the agenda or minutes from the previous meeting. Rosen asked if a letter had been sent to the FCC with regard to the previous meeting and whether it had been posted on the FCC's website. Hlibok stated that it was in the FCC's ECFS system. The minutes from the Spring meeting in Harrisburg, PA were approved.

SUBCOMMITTEE REPORTS

Tauscher and Nogales provided brief updates with regard to the two monthly Providers and Health of Fund calls. Both have been well attended and the plan is to continue these calls indefinitely. Rolka requested that the providers call remain on the schedule rather than cancel due to NASRA. Nogales agreed that a notification would be sent to all participants to confirm the call would take place as scheduled.

Ignatius introduced herself and shared this would be her last meeting as a council member because the New Hampshire governor has nominated her to serve on the New Hampshire Superior Court. NARUC

historically names state members to the iTRS Council so she will inform that association of the need for a replacement representative. She offered her appreciation and thanks to all member of the Council.

FCC PRESENTATION

Chair introduced the first speaker on the agenda, Greg Hlibok, from the FCC'S Disability Rights Office for his presentation to the Council. He indicated he planned to address six topics, two of which include court decision aftermath and also affected the rulemaking process. He plans to provide data, statistics and an update of activity since April. He reported as follows:

-VRS Reform: the VRS reform order was set in place for June 2013 but certain decisions have yet to materialize due to the RFP process (procurement process). The core and primary purpose of an Advanced Video Platform (AVP) is to have in place something which encourages federal agencies to sign on to the platform for point to point calling. An example he offered was the need for point to point calling such as in an IRS help line to assist consumers in completing and filing 1040s via direct contact with the IRS. As of June, the FCC has an ASL support line on video and it has been an eye opener because it's clear customers have never had this opportunity to directly and precisely communicate on any number of issues –not just VRS, which is complicated, but also equipment, installation protocols, interoperability, etc. Now that there is a mode for them to talk to the Commission directly via video, those calls are coming in nonstop all day long. These calls are longer in duration – upwards of double to triple of other in-coming calls – and the success rate for settling or resolving the issues is upwards of 90%. Staff is able to trouble shoot on the spot and solve the problem with the caller. This is a tremendous result that benefits both the customer and the government which is why the FCC is so interested in the AVP for the social security administration, IRS and any number of government agencies. The AVP will also be open source thus allowing app developers either within or outside the Deaf community to develop and test on it. It is very much different from the video access technology, a reference-based platform. Both can co-exist – the AVP is not going to replace anything the six providers already have in use. The AVP will work with accessible reference-based technologies and platforms. It will be interoperable. We will be able to test that bilaterally and make sure the systems are compatible.

-Speed of Answer and Rate Order: the FCC's 2013 VRS Reform Order was appealed by Sorenson and heard in the 10th Circuit. The Court largely supported the FCC's decision in most issues except SoA. It found the FCC had not shown sufficient evidence of costs to comply with the SoA requirement and that the cost of a shorter SoA does affect the rate. The Commission intends to release an NPRM toward addressing the SoA issue among other things. This is an opportunity for us to work together to determine the right course. Consumers claim the wait times are long and quality of service is a concern but we also need to make sure that those seats are staffed with qualified video interpreters and that providers are able to offer services within their revenue structure.

-IP Captioned Telephone Service (IPCTS): Recommends members review a recently released FCC public notice (August 2014) that affirms and clarifies the applicability of IPCTS rules in light of the action by the Court of Appeals. The Court of Appeals had vacated the FCC's interim rules and vacated two of the final rules (\$75 equipment charge rule and the default off rule) for IPCTS. The PN includes a chart outlining

IPCTS user registration and certification requirements which were not impacted by the Court's action and now in effect for four categories of users. The FCC plans on issuing an FNPRM to resolve issues that remain outstanding.

-Mandatory Minimum Standards (MMS): In August the FCC issued an Order granting waivers of certain TRS rules and is considered more of a clean-up matter. This Order helps to remove uncertainty and unnecessary reporting burdens.

-When the CVAA was passed, it expanded the definition of TRS to allow calls between two CAs using two different forms of relay. This has not been codified in FCC rules yet but an NPRM is going to be released to take comments soon. It may be a no brainer for certain TRS services but needs clarification for IPCTS calls. There is particular concern that the Deaf-Blind community is not aware that they can use dual services. It is important that we get the word out to the Deaf-Blind community that this is possible. AVP will include a function that serves the needs of Deaf-Blind callers in addition to the address book functionality and incoming alerts.

-Sprint has petitioned for access to the iTRS numbering directory. Comments are due September 30 and reply comments on October 10. In its petition, Sprint held that front door or federal relay numbers are not in the directory and federal employees could not make point to point video calls to deaf people within federal employment or outside of federal employment. If they were in the iTRS directory, they would be able to use the federal relay service rather than one that is compensated by the TRS Fund.

Hlibok went on to discuss marketing and outreach which the Council Chair had mentioned would be discussed during the Council's meeting. He acknowledged that the iTRS Advisory Council had recommended the FCC restore outreach funding as a recoverable cost in the rate because the national outreach program, part of the VRs Reform Order, was not in place. The Commission does not believe the providers have done an effective job of outreach to communities outside the deaf and hard of hearing communities, i.e., general public, business community, etc., and therefore it did not support reconsideration of inclusion of that outreach cost within the rate. Another issue is that of the role of the iTRS Advisory Council and the rules that direct its work. There have been discussions including potentially expanding the council's role into a federal advisory committee on quality of service, not just rates and finances, its current responsibilities. This advisory committee would be representative of government, of industry and the wider community as well so it would have the ability to make recommendations directly to the Commission. This new development brings questions as to what's going to happen to this council. Potentially, some of the iTRS Advisory Council members could serve on the new advisory committee. That's one possibility. Currently the FCC Consumer Advisory Committee is undergoing reauthorization and is being restructured. As such, its mission will change and disability will be removed from the CAC in order to establish a new Disability Advisory Committee – DAC. This DAC would report on disability-specific information where the CAC will focus on any kind of consumer issue.

Hlibok discussed to more items – numbers and complaints. As of July 2014, there are 380,000 VRS numbers, and 14,698 IP Relay numbers. These numbers reflect an increase of 20,000 for VRS and about 971 for IP Relay since May. The annual complaints log summary indicates that the most common complaint from the states is technological issues with interoperability and pixilation on the screen, so quality and video. That's the number one complaint from the state input. From the providers input, it appears that the number one complaint was related to CAs in terms of their skills, such as typing errors, rudeness or not following procedures. The FCC considered releasing the information publicly but there

are questions as to its reliability because the states vary widely in what actually gets reported. We are considering setting standards as to how complaints get documented, reported and filed. At this point, the floor was open to questions.

Kelly Frey asked if the complaints log includes all TRS services and commented that states do not have oversight of IP TRS services. Hlibok agreed but some – not all -- states to provide that information on a voluntary basis which is why it was decided not to release the information publicly. Casell asked how they reached such a high level of success in closing consumer complaints. Hlibok explained that their definition of closing out a complaint is to refer it to the appropriate office to handle the complaint itself. It also provides information on trends to consider in terms of rulemaking proceedings or potentially referrals to the enforcement bureau for additional action.

Sonnenstrahl asked (1) will DAC members be from across the country and will their travel expenses be reimbursed as this will impact representation, (2) when are the outreach programs going to start, (3) CA to CA calls for deafblind callers and the procedures currently available. Hlibok responded that funding for the DAC has to come from the FCC not the TRS Fund so it is unclear at this moment if travel will be covered. But the goal is to definitely bring in expertise in this area and funding will need to be resolved. Jeff Rosen commented that the FCC was essentially indicating that the iTRS Advisory Council was ineffective and not making an impact. He has seen FACA committees work in other federal agencies but there are more stringent rules of operation. Tauscher asked for clarification – would this Council run parallel to the DAC, be subsumed into the new DAC or continue as an advisory body for the fund administrator. Hlibok said those decision have not been made yet but these are all details to consider. The goal is overall effectiveness. Collins asked how the FCC determined providers were ineffective in outreach efforts. Hlibok responded appeared to be ineffective in communicating about 711, educating hearing people not to hang up when they got a relay call, and lacking broader outreach efforts to the public. The FCC reached its conclusion based on comments filed in proceedings, meetings with providers, etc. Rosen added his agreement that outreach to financial institutions, credit card companies, etc., could be better. However, the \$2M set aside by the FCC will not have an impact and pointed to DOJ ADA efforts. Hlibok commented that while the DOJ has had a few settlements in this area we have yet to see the effect of those actions. Frey Kelly expressed some concern that certain disability issues would be diluted in a DAC. She also added that perhaps the FCC should consider reimbursing states for outreach since many have implemented successful outreach efforts for relay services under their oversight. Hlibok expressed his understand of her concern with regard to the DAC but described the working group process of the EEAC and VPAAC which operated more effectively than the CAC which he agrees was very large where issues could get lost. Cassell asked for more clarification on the AVP. Hlibok responded that there are still outstanding details to work out but confirmed it would be a provider, working with the community, under FCC contract and oversight to develop, run and maintain the system going forward. Rosen expressed concern that a government-run neutral platform could detract from the intent and purpose of the ADA adding that other federal agencies could duplicate the FCC's ASL contact center. In addition, not only could it cost millions of dollars it may drive providers out of the market and will this meet the needs of the people.

Bibler pointed to the current Advisory Council as having the representation and expertise that would benefit the FCC with regard to accessibility issues including quality of service, standards, etc. Hlibok explained that the rules are very restrictive as to the role of this Council in terms of advising and establishing the DAC is one resolution. Schram commented that shifting IPCTS to state overview brings up separations issues. Secondly, state statutes pertaining to TRS services and their funding are specifically tied to telephone states would have to be allowed the time to approach their respective state legislatures for appropriate modifications. Kelly Frey asked about ASL-proficient individuals obtaining numbers for point to point calls, highlighting the cost savings. Hlibok responded it remains on the table but did point out that provision of hardware, like the video phone, would not be the same.

ADMINISTRATOR's REPORT

Rolka began by reviewing recent FCC Orders and actions that impact the Fund including a referral by the FCC to the Federal State Joint Board with regard to the contribution base for programs administered by USAC. USAC collects carrier information which is shared with RLSA for the purposes of billing and collections in support of the TRS Fund. To the extent USAC makes any changes, the TRS Fund will be impacted. Rolka reviewed the process RLSA undertook to submit its budget recommendation to the FCC earlier this year. While some providers challenged the RLSA recommendation, the FCC ultimately accepted it. IPCTS continues to be a concern and sometime in the program year this rate may change. He noted that even with the departure of some IPCTS providers, the minutes of the remaining providers did not increase dramatically. Ignatius stated this appeared odd and it could mean they weren't legitimate calls or people did not move on to another provider and have been left to their own devices. Phillips indicated that as users sought new providers, he wonders how many encountered barriers to transferring to another company, such as he had for IP Relay. Are people falling through the cracks? Rolka added that some people not only switched service providers, they may have switched services. Rolka went on to describe other budget items: \$10M for the Deaf-Blind equipment distribution program indicating this is the 3rd year of the pilot and the FCC has an NPRM to transition it to a permanent program; numbering administration; USA data collection; Council expenses, Audits, VRS Reform, etc. Rolka described the numerous audits including an FCC request for RLSA to contract for an independent audit of the fund (separate from the KPMG audit of the FCC). Continuing his report, Rolka touched on the declining contributions base which causes the factor to increase. He mentioned that there are a number of revenue sources that are not included in the contributions base such as private line and shared tenant services. He then described the National Deaf blind equipment distribution program and RLSA's role in the program along with CGB which is the actual administrator. He provided cites to recent FCC Orders including some referenced by Greg Hlibok in his presentation. One that had particular impact on providers and the Fund was the default off decision. Since it was rolled back, RLSA is working with providers on making refunds for previously uncompensated minutes. RLSA plans to send out the data request to services providers and all the states by years end, requiring submissions back by third week of February 2015. Even though the FCC has established a 4-year glide path for VRS rates, RLSA is still collecting VRS data. Rolka then went on to review the RLSA website containing the monthly financials on fund distributions. He asked council members what kind of information they would want about the status of the budget. Collins asked if RLSA retains the type of device used on calls and he responded in the negative. RLSA is required to submit for approval an audit program plan to the FCC by March 31 for the following program year. RLSA has received authorization from the FCC to share provider audit final reports with the companies audited. These provider audits were focused on the systems they have in place to gather CDR information and to validate that the Administrator can rely on that data. There were generally only 8 findings and 25 observations. Rolka was pleased with these relatively small numbers. This year's audits which started on July 1 will include a follow up to the

previous audit (CDR) but will focus on the registration requirements for each of the Services – a more detailed look at each service provider’s registration process. A difference between this audit and previous ones is that it deals with very sensitive information to confidentiality is critical. As a result, RLSA is conducting this audit entirely in-house and utilizing a stand-alone encrypted platform. The audits highlighted that the forms and instructions RLSA has had in place for submission of provider information may be interpreted differently and therefore the submissions received may be inconsistent. RLSA has revised its forms and instructions and met with all providers in Washington, DC recently to review and insure that everyone understands what is required and the consequences of not meeting that obligation. RLSA is now reviewing the comments from the services providers with regard to the proposed changes and intends on wrapping this process up as soon as possible in order to provide sufficient time to implement any system modifications on the part of the providers. The goal is for the new system to be in place at the beginning of the calendar year. Rosen offered appreciation for the audits report but pointed out that consumers are still apprehensive about the registration data points (date of birth, social security number, etc.) which remains an issue. To conclude his presentation, Rolka added that during the meeting with the service providers, RLSA shared its desire to add a field to the CDR that would allow RLSA to determine whether the service is being provided over a traditional telephone line, wireless or web-based application. This type of information would assist in highlighting trends, growth areas and which services are responsible for it.

STAKEHOLDER PRESENTATIONS

INNOCAPTION: Chuck Owen, CEO of Innocaption, FCC-certified to provide IPCTS, provided a brief history of the company whose objective is to market a functionally equivalent user-friendly communications solution, real-time captioning, on a smartphone. The company offers a downloadable application for consumers who have registered to qualify. Accuracy is critical so employees are court level stenographers – no voice recognition is used – with minimum skills at 180/wpm and greater than 95% accuracy. The services requires both voice and data channels. Owens described both outbound and inbound call scenarios. Schram asked about 911 functionality and Owen responded company has been working with a PSAP entity in the Kansas City area. Collins expressed frustration due to the inability to use the service with a Verizon iPhone device. Owen confirmed there were issues with certain devices not supporting simultaneous voice and Data but assured Collins that Innocaption was working with Verizon to resolve any issues. Rolka reviewed the formula for the IPCTS rate (which is the same as the CTS rate which is calculated via the MARS formula). Collins expressed irritation that a certified provider is not delivering the services it claims to provide. Owen took exception to the comments and committed to working with Collins to resolve the problem. Schram asked about location accuracy and Owen responded that the service is at the mercy of cellphone technology.

INTERPRETER: Tauscher then provided background on the purpose of the next presentation on potentially adding an interpreter seat to the make-up of the Council. This topic had surfaced at the last meeting which is why Jack was asked to speak. Jeremy Jack, VP of CAAG, but clarified he was representing sign language interpreters who work in VRS. Jack stated there has been resistance and being directed to establish or join a labor union is not the answer. The Registry of Interpreters for the deaf (RID) also cannot perform that function. These issues impact the TRS Fund. Interpreter wages are impacted when TRS rates are reduced. The Council would benefit by the knowledge and expertise of an

interpreter representative who could advise it on the standard practices and pay in the field. Work conditions deteriorate as rates are reduced. Interpreters are the frontline of defense against fraud, waste and abuse. Jack described what he believed would be the minimum requirements for an interpreter representative. Bibler had two concerns: (1) the need for a multiple representatives such as speech to speech, stenographers, etc., and (2) providers, as employers, represent that constituency. Rosen echoed Bibler's sentiments and questioned RLSA's role. Hlibok offered that in terms of quality interpreters and effective communications, consumers have options to switch interpreter or service provider. However, metrics are needed to evaluate and measure effectiveness of the communication and he believes the proposed DAC could include an interpreter member. He met with RID recently and acknowledged the interpreter burn-out rate citing the nature of the work. RID is planning a survey to gather data in order to establish next steps. Kelly Frey acknowledged that Jack had made many legitimate points but was not convinced the iTRS Advisory Council was the appropriate body for this initiative and pointed at the DAC.

NEW BUSINESS

The location of the spring meeting of the council was discussed and it was suggested it could be at RLSA headquarters in Harrisburg, PA. Rosen recommends a public forum so that consumers who are eager for the kind of information the Council is provided can receive it also. He suggested a live streaming uplink or some kind of web-based participation so that the general public can benefit from the information presented. Phillips agreed and supported Rosen's suggestion. Bibler stated that for these meetings public participation for the most part is rare. Frey Kelly remarked that since there is no public announcement of the meetings it follows there would be minimal public participation. Rolka cautioned against making too quick a decision and that perhaps a constructive use of the Counsel's time is to task a small group to develop options on how to better communicate information to the public. Rosen believes that providing online access to the meeting would result in more participation. After discussion, it was determined that the spring meeting will be held in Harrisburg, PA and the Fall meeting in Jackson Hole, Wyoming. Rosen recommended the Chair file a letter with the FCC providing information about our Fall meeting and also produce a videologue. The motion was approved.

PUBLIC COMMENT

Bonnie Eades, Chairwoman of the Louisiana Relay Administration Board Values the opportunity to attend the iTRS Advisory Council meeting primarily because it precedes the NASRA meeting. Recommends this be an ongoing practice as it allows state staff to hear about developments at the federal level. Hopes the DAC will not diminish or eliminate the role the Council plays currently. Jack asked Hlibok to clarify submission of speed of answer information and Hlibok responded to provide it now as the information will help staff develop more relevant questions in the upcoming NPRM. Steve Peck, Wyoming state administrator, echoed earlier comments on scheduling this meeting in concert with NASRA. Peck asked for clarification of comments made by Rolka in his presentation with regard to state input. Rolka responded that at year's end every state is contacted for information regarding

contracts they have in place to support TRS – rates, demand levels, etc. At times it has been difficult to locate the most appropriate state employee for this information. Kelly Frey recommended Rolka contact NASRA, of which she is chair, who can provide the correct state contact. She also stated that changes in contact information are filed with the FCC so it's also possible the website has not been updated. She asked Rolka to reach out to the FCC to facilitate those corrections. Naomi (no last name provided) with the Louisiana Relay Administration Board believes the Advisory Council should be a subcommittee of the DAC. The integral efforts of this group, the specialty, the experience of the very specific sensory communication needs of the Deaf community, of those with hearing loss and speech impairment will get lost within a larger group that doesn't require that specific telecommunications access. Big difference in the sensory needs of folks who are deaf and hard of hearing. Not present but providing written comment: John Goodman, Purple. Shared that the Government Accounting Office has undertaken an audit of the GTRS program and the job the FCC is doing in overseeing this program. He suggested the Council request a copy of the audit report when it is completed. On VRS reform, Goodman wants the Council to be aware of what the FCC has not yet done. The VRS reform Order was released over 15 months ago. The FCC has yet to (1) define the specs for the technology reference platform, (2) defined what interoperability will mean, (3) defined what quality metrics should be used in VRS, (4) selected contractors to build the central user database or reference platform or serve as the neutral provider, or (5) effectively addressed national outreach. In that same time, VRS rates have dropped three times and will drop again before the FCC accomplishes any of the goals of the Order. The FCC could do some simple things to stimulate fair competition while it continues to work on the concept of a neutral platform instead of banking on it as a grand solution – one that will take too long and likely be delivered too late. Council should consider urging the FCC to revisit the order of their priorities with regard to VRS Reform and move to nearer term solutions that could have profound market effect in real time. With regard to customer identity information, he believes that providers are caught in the middle between the FCC's desire for additional information to validate registration and the consumer's reluctance to provide it. It's a risk for the provider's compensation – consumer and the FCC need to reach a resolution.

CLOSING COMMENTS/ADJOURNMENT

Chairman Tauscher thanked all who provided public comment and adjourned the meeting at 3:02 p.m.